App F IX-4

Previous References

1935-36 (Aug 3)

Aug File No. 97-35
Serial Nos. 1-4

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B for November 1935

SUBJECT.

Appeal of Patada Mahanthah and others of Doddabaki Devangere Taluk in re: restoring the archaka of Sri Siddeswara Temple, Doki Office as archaka

RO 523

dy 13-11-35

WD 03607—GPB—22,500—2-8-35

To Mr Girimaji Srinivasa Rao Advocate Bangalore City.

Reject the appeal

Petition 8, 12-7-35 filed by the Girmaje
Samaj Advocate for the appellants, Matada Mahanthaya
and other Dharmadarsis of the Temple
of Sri Siddeswara Swami at Doddaballapur
Dasappa appealing against the decision of the Inungal Commissioner
restoring the archak of the temple, to his office.

The appeal petn is sufficiently stamped and the appeal is in time.

As set forth in the order of the M.C. reversing the D.C's order and restoring the archak Siddabasaya to his office in Sri Siddeswara Swami temple at Doddaballapur the appellant archak is not bound to go to the Patel's house for bringing oil & Prasadya. The appellants say that they were not heard by the M.C. If appld, records will be called for & held for admn.

6/1/1677 Attention is invited to para 3 the petition, where the inconveniences resulting from the differences between the archak and the Dharmadarsis are explained.

Records may be called for.

16-7-35. Gen: Secy

16/7/35

17 JUL 1935
434

NOTE—Contn. Sheet.

Mys File No. of 193

General and Revenue Secretariat

Submitted with the Memo put up in the P.W.D is for approval

~~Other Orders~~

Dt 19/7

GS ~~Note~~
19-7-1935

~~Memo no 5'3/mys-9-19.7.1935~~
~~to the Mysore Commissioner Calling~~
~~for records~~

Govt Pl.
31/7.

Letter no H.C. 6/35-36 dt 30-9-1935 from the Mysore Commissioner Submitting records connected with the appeal.

This is an appeal against the decision of the H.C. in Mys AHM 13/34-35 in the file of his Court ordering that Pujari Siddavanappa of Sri Siddeswara temple - Doddabatti Davangere to be restored to his office on the grounds of his having been under no obligation to go to the Patel's house every day & bring Nivedya Etc for the deity -

Mr Arulvan in his report dt 7.11.35 says that it is a minor Mys. Instn., a scale of income & expenditure has been sanctioned & is in force. The records received from the H.C. do not contain papers about the sanctioned scale. ~~Dft~~ A copy of the scale may be called for & as also the one prior to this to be called for. Dft sent —

Gv 12.10-35 Note
5.10.35.

Mr Vencatesh
15/10

13) The Dharmadarsis of the temple of Sri Sadasiva Swami at Doddaballi Davangere Tq received on 28.2.1930 among other matters that (the complaints of) Pujari Siddalingappa (relation on mark) who refused to bring the daily Nivedya and Naivedya oil from the Patel's house, as per Manool should be resorted to. The Amildar for proper notice on receipt of this the Amildar instituted an enquiry & reported to the S.D.O on 12/11/31 as to the existence of manool until violation by Pujari Siddalingappa & his cousin, that all the Baidars" were conforming to the Manool seva until a couple of years back when a quarrel arose between Patel Sri Hiri cousins on one side & Pujari Siddalingappa & Mahadevappa on the other side on some private matters & sought redress of the S.D.O under para 4 of Rule 6 of Regulations the Mys. Regn. in addition to such punishment as the Pujaris deserved on account of their insubordination & disobedience.

The S.D.O ordered on 6.1.32 that the Pujaris should carry out the resolutions of the Dharmadarsis, failing

NOTE—Contn. Sheet.

which they should be removed from the archakship. Moreover the archak appealed to the D.C. Cuddalore against the order of the S.D.O. The record was called for examined again both the reports that he saw no reason to interfere & rejected the pet[n] of the archaks without giving them an opportunity to present their case in person. Against this order of the D.C. the archak appealed to the M.C. who has held that the archak is not under any obligation to go to the Patel's house & bring Nivedya. etc. he has directed that the archak may be restored to his office under the circumstances set forth in his order no. A/M 13[th]/34-35 of 14.4.35.

The Inst[n] is a mina[l] mun. Inst[n] & as the archak hereby is stated was fed Rs 5/- per month for Nilyakatle, he does not find it necessary to give offerings for Nivedyam to the deity. He is expected under the law to prepare Nivedyam & offer the same to the deity during the time of archana. In these circumstances

Seria No.

10 of 35-36 re: the original application for not bringing materials even from the Patel's house

~~Vide~~ the order of the appeal preferred by the Dharmadarsis against the order of the M.C. may be posted for a hearing or the petn rejected in the light of the opinion expressed by the M.C. in his order —

(G.S. 19.10.35) The Amildar's report dated 7th Nov. 1931 states that the Pujari is given Rs 5 per mo out of which he is expected to meet cost of carrying on worship in the temple viz Nevedana and oil required for Manda Dipa and that the Pujara has only refused to go to the Patil's house for obtaining the articles supplied by him for his additional seras in the temple. It is usual for devotees to offer such articles in the temple where they want additional seras to be performed. The Inspg Asst Comr. has therefore held that the archak is under no obligation to go to the Patil's house for bringing the articles (Vide his order in appeal No. 13 dated 17.4.35). It is therefore a point for consideration whether there are any reasons for interfering with the orders

NOTE—Contn. Sheet

the Inspector Comm. in the matter.
Although there was no obligation to go to
the Patel's house for the special vevda
and oil offered by him for use during his
special seva, the archak seems to have
been going to his house to obtain them
as a matter of courtesy merely to oblige him, as
long as he was on friendly terms with
him the Patels and his sons. The archak
of course refuses to do, now that he was
going to oblige the Patel when he was
on friendly terms with him. The
Dharmadarsis who have appealed against
the Inspector Commissioner's order request that
a personal hearing may be given to them

1928
8.10.3

The above facts explain the case
The main points urged in the appeal
petition are :—

(1) That the appellants (the Dharmadarsis)
have not given notice to the Inspr. and

(2) That the Inspr. was wrong in holding
that the Archak was not bound by
the resolution of the Dharmadarsis and
was under no obligation to go to the
Patel's house to bring Naivedya.

The first point Counsel stated as
the Dharmadarsis were no parties in
the lower Court and the Inspr. could not

Appl no 10 of 35-26.
re: removal of the arbitrator for not
leveying Rs recovered etc from the Patel's house

Serial No.

be expected to come across to them.
In fact the case was by the Archak
against first and the D.C. has decided
the same.

As regards 2, it is clear from the records
that a scale of income & expenditure
has been sanctioned for the temple account
to which the Archak objects 5% a month
for meeting the cost of nityanka expenses.
There is also a report stating that
worship is regularly carried on in the
temple. In these circs the D.C's order
is quite correct when he holds that the Archaka
owes no obligation to go to the Patel's
house & beg naivedya.

In the last para of the appeal
petn the appellants pray that the
case may be heard & disposed of — On
merits, the appellants have no case.
It is for orders if the case may be
posted for hearing or the appeal rejected.
If the petn is not filed within the time
to intercept with the orders of the D.C.

18/10/35

Gen: Secy: The notes and orders in the
file rec'd from the Munz. Court are
for perusal. As pointed out in the
Asstt Secy's note above there are two

GENERAL SECRETARIAT
18 OCT. 1935
Rec'd

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7 35

File No. 97 of 193

points in the appeal and neither can go in appellant's favour. There is no reason to interfere with the order passed by the Munsif which seems to be correct in the circs. of the case. The appeal may be rejected.

30/10/35

30/10

First Member)

I agree

31/10

31/10

11/11

11/11

No. 6 I.A. of 13.11.35 to the Advocate for the petitioner asking time. No reason to interfere. Proceeding

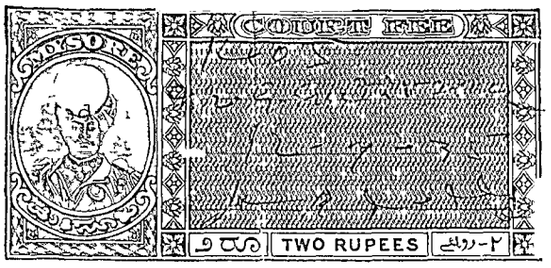
General and Revenue Secretariat | Mlg File No. 97 of 1935

Serial No.	
	By the Mezvai Commissioner Kolaba and the Appeal filed by him is rejected No 624 of 13-11-35 to Mahada Marhamthaiya and others of Doddabate Village Davanpane Taluk forwarding copy of the above for their information Memo No 6257 of 18-11-1935 to the Mezvai Commissioner returning records received from him —

B 21/11/35

NOTE—Contn Sheet

WD 0255—50,000—GPB—8-7



GENL. & REV. SECT.
37.
15 JUL 1935
MUZRAI BRANCH

SECRETARIAT
12 JULY 19

Muz 97-35-1
Muz
12/7/35
12/7

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Muzrai Appeal No. 10 of 35-36.

In the Court of the Muzrai Commissioner in Mysore, Bangalore.

Muzrai Appeal No. 13 of 34-35.

Appellants:

1. Matada Mahanthiah.
2. Neelappanavara Siddalingappa.
3. Banavalli Kadappa.
4. Ayyagala Siddappiah.

All Dharmadarsies of the Sree Siddeswara Temple at Doddabathi, Davangere Taluk.

-Vs.-

Respondent:

Pujari Siddabasappa, residing at Doddabathi, Davangere Taluk.

Subject:

Re: the removal of the respondent from the office of Archakship of Sree Siddeswara Temple at Doddabathi, Davangere Taluk, in default of his acting up to the resolution of the Dharmadarsies.

.....

Under Sections 38(2) and 39 of the Mysore Religious and Charitable Institutions Regulation the appellants beg to prefer the following -- appeal against the order of the learned -- Muzrai Commissioner in Muzrai Appeal No. 13 of 34-35 dated 14.4.1935 restoring the ~~respondent~~ respondent to the office of Archakship of Sree Siddeswara Temple, Doddabathi, Davangere Taluk and reversing the order of the learned

learned Deputy Commissioner, Chitaldroog District and of the learned Sub Division Officer, Davangere, for the following among other grounds:

The addresses of the appellants for purposes of notices etc., is C/o Girmaji Sreenivasa Rao, Esq., B.A., LL.B., Advocate, Balepet, Bangalore City.

1. The learned Muzrai Commissioner erred in law in not ordering notices of the appeal to the appellants who were absolutely necessary parties to the appeal and who were affected by the order under appeal and in not affording any opportunity to the appellants to be heard in respect of their contentions

2. The learned Muzrai Commissioner clearly erred in law in holding that the respondent Archak was under no obligation to go to the patel's house to bring Nivedya and that he was not bound by the resolution of the Dharmadarsies in the matter.

3. The learned Muzrai Commissioner erred in failing to consider that the Institution was a minor Muzrai Institution and that the Dharmadarsies had every right to pass resolutions for the guidance of the worship, offering of Nivedya etc., of the temple and that the respondent was under a contractual obligation to obey the same.

4. The learned Muzrai Commissioner erred in failing to consider that the resolution of the Dharmadarsies was perfectly legal, valid and according to the mamool and there was absolutely no irregularity or impropriety in the said resolution and that the respondent as Archak of the temple was bound by the said resolution.

5. The learned Muzrai Commissioner has erred in law in utterly ignoring the mamool rights ~~of the temple~~ and the mamool obligations of the Archak and in going directly against the said mamool customs.

6. The learned Muzrai Commissioner has not given any reasons for holding that the above said mamool duty of the Archak was either ultra vires improper or illegal and that the Archak may disobey the same.

7. The learned Muzrai Commissioner ought to have respected the Mamool customs regarding the pooja and the Nivedya of the temple and should not have ~~lightly~~ lightly disturbed the said mamool customs for no good grounds whatever.

8. The order of the learned Muzrai Commissioner will work considerable annoyance to the appellants and to the patel and to the devotees of the temple and will be to the detriment of the interests of the temple in as much as the respondent will become insubordinate and thereby the interests of the temple as a whole will suffer considerably.

9. The learned Muzrai Commissioner erred in lightly disturbing the concurrent findings and orders of the lower courts without any sufficient or legal grounds therefor.

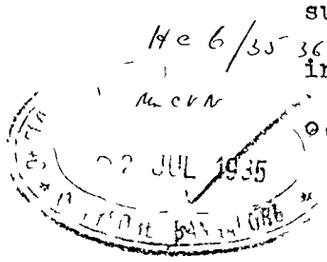
10. The learned Muzrai Commissioner erred in holding that the only ground on which the Archak could be removed was the non-performance of the daily worship and the only duty cast upon him was the regular worship of the temple.

11. The order of the learne Muzrai Commissioner

is otherwise against law, procedure, facts and customs governing the case and is liable to be aside both in the interests of the Institution, and of the appellants and of the other devotees.

12. Wherefore the appellants pray that this Honourable Court may be pleased to allow this appeal, to set aside the order of the learned Muzrai Commissioner and to restore the order of the Deputy Commissioner, Chitaldroog District and of the learned Sub Division Officer, Davangere, removing the respondent from the office of Archak on the ground of the default of the resolution of the Dharmadarsies and for any other reliefs that this Honourable Court may deem fit to grant.

As there are a number of points legal and equitable which have to be urged on behalf of the appellants and the mamool rights explained to this Honourable Court it is absolutely necessary that this Honourable Court should be pleased to hear the appellants' counsel before passing any final orders in the case especially in view of the fact that the learned Muzrai Commissioner has not given any opportunity to the appellants to be heard in support of their contentions and as the appeal involves breach of a well established mamool right or custom governing the said Muzrai Institution.



Advocate for appellants.

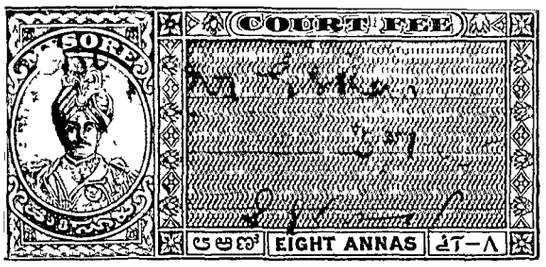
12-7-1935

Memo No 53/Muzrai 307 19.7.35 — forwarded with Complainants to the Muzrai Commissioner for Submission of entire record connected with the appeal.

By order

19/7/35

for Secretary to Govt.



In the Court of the Musrai
Commissioner in Mysore, Bangalore
Appeal No. 13/34-35.

Appellant:-
Pujari Siddabasappa residing
at Doddathi Village, Davangere Taluk

Subject Appeal against the order of
the Deputy Commissioner, Chitaldrug
District declining to interfere with
the order of the Sub Division Officer
in re the Office of archakship of Sri
Siddeswara temple at Doddathi, Davan
-gere Taluk.

Facts of the case:-

Sri Siddeswara temple at
Doddathi, Davangere Taluk, is a
minor Musrai Institution and
a scale of income and expenditure
has been sanctioned according
to which the Archak of the temple is
given Rs 5/- per mensem for meeting
the cost of Nityakatle expenses. The
appellant is one of the four archaks
who work by rotation. He was re-
moved from the office by the Sub-
Division Officer on the ground that
he failed to carry out the instruc-
tions of the Dharmadarsi to bring
oil and Nivedana from the house

Commissioner, declined to interfere with the order of the Sub Division Officer

Hence the ~~second~~ appeal to this office.

Order No. Appl 13/34-35 Dated 14-4-35.

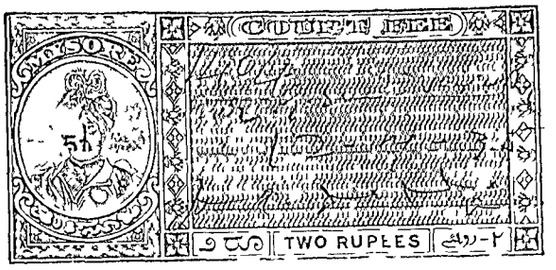
The archak is under no obligation to go to the Patel's house and bring Nivedaya etc. He is given Rs 5/- per month for Nityakatle and so long as he performs the daily worship regularly, which he is admitted doing, there could be no justification for removing him. The order under appeal is therefore reversed. The appellant may be restored to his office.

Sd/ N. Madhavarao
Revenue Commissioner

Copy applied for by M. G. Srinivasa Rao on 3-7-35
" ready on 4-7-35
" delivered on 6-7-35
No. of words 210
Copying fees 0-6-0
Comparing " 0-1-0
0-7-0

Copied by S. Jagannadha Rao
Compared by Hanumantha Rao

Copy
S Ramaswamy
Manager
Mrs Comm's Office



Before the Civil Judge ಕೋರ್ಟಿಗೆ.

1935—1936 ನೇ ಇಸವಿ Original Suit ನಂಬರು

~~ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ.~~

Athelkari's
Malada Mahankali
and Others

~~ಪ್ರತಿವಾದಿ ಯಾ ಅಪ್ಪೋನೆಂಟ್.~~

Respondent
Siddaiah

~~ಮು॥ ರಾ॥ ಪ್ಲೀಡರ್ ಬಿ. ಆರ್. ಚೌಡಯ್ಯ~~
~~ಮು॥ ರಾ॥ ಪ್ಲೀಡರ್ ಎನ್. ನರಸಿಂಹಮೂರ್ತಿ ಮತ್ತು~~
ಮು॥ ರಾ॥ ಪ್ಲೀಡರ್ ಬಿ. ಆರ್. ರಾಮರಾವ್ ಇವರಿಗೆ.

Messrs. J. Srikantiah Vasa Rao. A
Gopinagi Srikantiah Vasa Rao. B.A., B.L.
Advocates.

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ —

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಥೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರಿ ಮೊಬಲಗೂ, ಶಿಲ್ಕು ಮೊಬಲಗೂ ಸಹ ಪಡೆದುಕೊಂಡು ರಸೀತಿ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವ ಸ್ಟ್ಯಾಂಪು ಪ್ರೋಸೆಸ್ ಸ್ಟ್ಯಾಂಪು ಮತ್ತು ಇತರೆ ಸ್ಟ್ಯಾಂಪು ಸಹ ಪಡೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ನನ್ನ ಬಾಬ್ತು ವಿಶಿಷ್ಟ ದಸ್ತಾವೈಜು ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ಅಥವಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿರುವಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾ॥ ..... } ರುಜು

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷವು ರುಜುಮಾಡಿರುವದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿರುತ್ತೇನೆ.

ಈ ಮೊಕ್ತ್ಯಾರ್ ನಾಮ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

Advocate

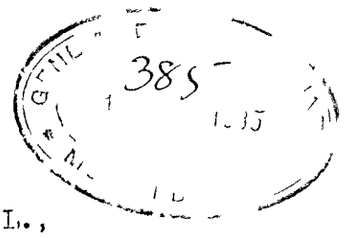
ದಾವಣಗೆರೆ ಪ್ರೆಸ್.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore 25th September ..1935
30

FROM

N MADHAVA RAU Esq, B A, B L,
Muzrai Commissioner in Mysore,
Bangalore



To

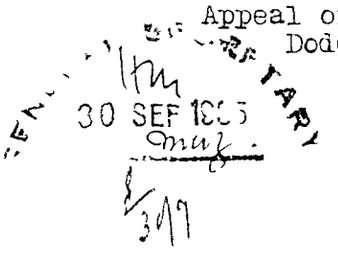
H. V. Ramaswami, Esq., M.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore

Muz 97-35-2

General *Department*

SIR

Appeal of Matada Mahantiah and others of Doddabathi, Davangere Taluk, in re: restoring the archak of Sri Sladeswara Temple to his office as Archak.



Adverting to your Memo No.53/Muz.dated 19-7-1935 calling for the records re: the above, I have the honor to forward herewith the file of records received with the Chitaldrug District Deputy Commissioner's letter No.A5-C.284/35-36 dated 20t September 1935, as also this office file No. App.13/34-35 whic

gives the facts of the case.

I have the honor to be,

Sir,

Your most obedient servant,

For Muzrai Commissioner.
(Absent from headquarters.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

NO 623 Mag 97-35-4 **General and Revenue Secretariat,**

Dated, Bangalore, 13th ovember 193

FROM

The *Secretary to the Government of His Highness the Maharaja of Mysore*

General Secretariat

To

Mr.Girimaji Srinivasa Rao, B.A., B.L.,
Advocate, Bangalore City.

SIR,

With reference to petition dated 12th July 19[illegible]
by you on behalf of Ataba Bhanthaiya and three others, all of
to be Dharmadarsis of Sri Chandeswara Temple at Doddabanni, Hoskote
Taluk, appealing against the decision of the Mysore Government in
Mysore Appeal No.13 of 34-35 on the file of this Court dismissing
restoration of Doddabanna of the village to the management of the
of the above said temple, I am directed to inform you that
see no reason to interfere with the order passed by the Mysore
Commissioner on the subject and that the petition is rejected.

I have &c.,

B Narasimhaiah

for General Secretary to Government.

25

Section M43
File No. 97-35
Serial No. 40

Diary No. of letter replied to 385

No 623

To Mr Girmaje Srinivasa Rao
BA-BL.
Advocate Bangalore City.

General and Revenue Secretariat

(|)

the 193 .

Date of issue 13-11-1935

Signed by Mr B.M.

Dear Sir,

With reference to the
of 12.7.35 filed by you on
behalf of Matada Mahanthaiya
& three others all stated to be
Dharmadarsis of Sri
Siddeshwara temple at
Doddabathi Davangere
TK appealing against
the decision of the M.C.
in their appl no 13 of 34-35
on the file of his Court directing
the restoration of
~~that deceased~~ Siddeshwara
of the Village to his office
as Archaka of the aforesaid

List of enclosures .....

Copied by .....

Examined by .....

Memorie, I am directed
to inform you that Govt see
no reason to interfere with
the order passed by the M-C
on the subject and that the
Appeal is therefore rejected —
Yours faithfully
1/11/11
for Secy

No 624/Rev dt 13-11-35
Copy to Matada Mahanthaiya
& others of Doddabathi Village
Davangere Tk for information
B — O
1/11/11
for Secy

Memo No 6-5/Rev dt 13-11-35
Copy to M.C. returning Encl Records
records received with his
letter No M.C. 6/35-36
dt 30/9/1935
B O
1/11/11
for Secy

GS
9/11/35